

**MEDICAL EXAMINING BOARD
REGULAR MEETING
June 16, 2004**

MEMBERS PRESENT: Drs. Alfred Franger, Sidney Johnson, Ronald Grossman, Jon Gudeman, Jack Lockhart, Gene Musser, Ian Munro, Bhupinder Saini, Daniel Miota and Mary Cook, JD; and Virginia Heinemann

MEMBERS EXCUSED: Dr. Lief Erickson and Karen Kalishek

STAFF PRESENT: Tom Ryan, Bureau Director; Colleen Baird, DRL Legal Counsel to the Board; Aaron Walter, Staff Assistant; and DOE staff for a portion of the meeting

GUESTS: Mark Grapentine, Wisconsin Medical Society

CALL TO ORDER

Chair Alfred Franger called the meeting to order at 8:00 a.m.

APPROVAL OF AGENDA

Amendments:

1. Complaint 01 MED 265 was 01 MED 295.
2. Appearance by Edward Cooney, MD.
3. Stipulations.
 - a. Dr. Benjamin Begley, MD
 - b. Dr. W. Scott Nekrosius, DO
4. Withdrawal of Review Letter from Chad Van Den Heuvel
5. Draft order for Dr. Haynes
6. Complaint 02 Med 184

MOTION: Ian Munro moved, seconded by Jack Lockhart, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF MAY 19, 2004

Amendments:

Page 8 – Attorney under presentation for Godiwalla midway down the page for DOE was Gil Lubcke, not Jim Polewski.

Page 6— Question from Virginia Heinemann and Jack Lockhart as to clarification on what the motion from Mary Cook was in the May 19, 2004 minutes. Colleen Baird added her

understanding of the motion; stating that the email was the electronic part for the draft portion prepared by legal counsel and emailed to Dr. Erickson for review. Dr. Erickson would respond in writing with a yes or no answer for approve upon which legal counsel presents the draft to Tom Ryan for signature. This process has been successful this month with the orders. Tom Ryan said the taped minutes would be checked and corrected.

The May meeting and Mary Cook motion here:

Mr. Ryan presented a proposal to the Board which would allow a designee of the Department to sign Board Orders on behalf of the Board, should the need arise. After discussion the Board approved the proposal.

MOTION: Mary Cook moved, seconded by Jack Lockhart, to approve a designee of the Department to sign Board-approved Orders on the Board's behalf, when a Board member is not available and a signature is required. Motion carried unanimously.

MOTION: Daniel Miota moved, seconded by Virginia Heinemann, to approve the minutes of May 19, 2004, as amended. Motion carried unanimously.

REPORT OF SCREENING COMMITTEE

Dr. Franger reported that: 32 cases were screened, 8 were opened, 23 cases were not opened, and 1 was referred for more information.

Appointment of Screening Panel—Tom Ryan asked for volunteers for the next six screening dates. The panel was set as follows:

July, 2004: Cook, JD, Drs. Gudeman, Franger
August, 2004: Drs. Lockhart, Franger, Cook, JD
September, 2004: Drs. Gudeman, Franger, Cook, JD
October, 2004: Drs. Lockhart, Franger, Cook, JD
November, 2004: Drs. Lockhart, Franger, Cook, JD
December, 2004: Drs. Munro, Franger, Cook, JD

ADMINISTRATIVE REPORT

Regulatory Digest/Website posting status:

The Bureau Director informed the Board that all articles and other Board communications will be placed on the website, consistent with the Department's initiative to move toward expanded use of the internet.

Summary Reports of Pending Court Cases, Disciplinary Cases, Administrative Rules and Legislation:

Noted.

Board Roster:

The Board roster was distributed. No changes were noted.

**PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN
THE MATTER OF BENJAMIN BEGLEY**

DOE Attorney Michael Berndt presented the proposed stipulation regarding Benjamin Begley, MD. This matter will be deliberated on in closed session.

**PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN
THE MATTER OF W. SCOTT NEKROSIUS**

DOE Attorney James Polewski presented the proposed stipulation regarding W. Scott Nekrosius, MD. This matter will be deliberated on in closed session.

**APPOINTMENT OF ADVISORY GROUP MEMBER FOR 2003 WI ACT 175 CANCER
DRUG REPOSITORY BILL**

Dr. Musser agreed to be the representative of the Board to work with Doug Engelbert, DHFS pharmacy consultant on the rules.

**REPORT OF TOUR AT DODGE CORRECTIONAL INSTITUTION—DRS. GUDEMAN
AND MUSSER**

Drs. Gudeman and Musser reported on their tour. They voiced concerns with the lack of computerized file infrastructure and staff support. It was decided that Dr Gudeman and Mary Cook, JD, would write a letter to Matthew Frank, JD, Secretary of the Department of Corrections, requesting that more funding be made available for inmate care, delivery and administration.

**TERRY CHENG, MD, PHD—REQUEST FOR WAIVER OF WIS. ADMIN. CODE SS.
MED 8.10**

MOTION: Virginia Heinemann moved, seconded by Daniel Miota, to deny the request for three physician assistants. Motion carried unanimously.

**REVISED FSMB PAIN TREATMENT POLICY—CONSIDER FOR ADOPTION—DR.
SAINI**

The Board discussed the revised policy and the difficulty of adopting any kind of policy or guideline because of the need for rule changes when guidelines and policies change. The Board re-stated its position that following the recently revised FSMB guidelines is within the standard of care. The Department may put a digest article out on the website including the Board's statement and the current guidelines.

**PERFUSIONIST EXAMINING COUNCIL RE-APPOINTMENT FOR
CONSIDERATION—JANET SISUL**

MOTION: Gene Musser moved, seconded by Mary Cook, for re-appointment of Janet Sisul to the Perfusionists Examining Council. Motion carried unanimously.

INFORMATIONAL ITEMS

Noted.

RECESS TO CLOSED SESSION

MOTION: Daniel Miota moved, seconded by Ronald Grossman, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § (1) (b)), and Wis. Stat. § 440.205; consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Motion carried unanimously.

Open session recessed at 8:55 a.m.

**DELIBERATION OF PROPOSED ORDER, OBJECTIONS AND RESPONSES TO
OBJECTIONS OF COMPLAINANT AND RESPONDENT IN THE MATTER OF THE
DISCIPLINARY PROCEEDINGS AGAINST SHIRLEY GODIWALLA, MD, CASE NO.
LS 0302193 MED**

MOTION: Daniel Miota moved, seconded by Bhupinder Saini, in favor of making a final motion in the matter of the disciplinary proceedings against Shirley Godiwalla, MD, Case No. LS 0302193, at the July meeting. Dr. Franger recused himself. Motion carried.

**DELIBERATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN
THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST DR BENJAMIN
BEGLEY, MD**

MOTION: Mary Cook moved, seconded by Ronald Grossman to adopt the stipulation, Virginia Heinemann abstained. Motion carried.

**DELIBERATION OF PROPOSED STIPULATION AND FINAL DECISION AND
ORDER IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST DR
NEKROSIUS**

MOTION: Gene Musser moved, seconded by Ronald Grossman to adopt the stipulation, Virginia Heinemann abstained. Motion carried.

DELIBERATION OF PROPOSED STIPULATION AND FINAL DECISION AND ORDER IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST 02 MED 184

MOTION: Virginia Heinemann moved, seconded by Ronald Grossman to adopt the stipulation. Motion carried.

DELIBERATION OF COMPLAINT IN MATTER OF 01 MED 295

MOTION: Ronald Grossman moved, seconded by Virginia Heinemann, in favor of a finding of probable cause to believe that the licensee's conduct is unprofessional, that a complaint be issued and a hearing held. Motion carried.

DELIBERATION OF COMPLAINT IN MATTER OF 02 MED 274 AND 03 MED 131

MOTION: Mary Cook moved, seconded by Daniel Miota in finding probable cause to believe that the licensee's conduct is unprofessional, that a complaint be issued and a hearing held. Ronald Grossman abstained. Motion carried.

ORDER FIXING COSTS RE: BRYAN A. ROEMER, RCP

MOTION: Bhupinder Saini moved, seconded by Jack Lockhart in favor of the order for costs being imposed as recommended by the Administrative Law Judge. Motion carried unanimously.

REVIEW OF ADMINISTRATIVE WARNING IN THE MATTER OF CHAD VAN DEN HEUVEL, MD

The Board accepted Mr. Van Den Heuvel's withdrawal of the requested review of the administrative warning.

DOE MONITORING:

REQUEST FOR FULL LICENSURE FOR EDWARD COONEY, MD—APPEARANCE

MOTION: Alfred Franger moved, seconded by Mary Cook to approve the renewal of full licensure. Motion carried unanimously.

REQUEST FOR THREE MONTH STAY FOR MARK BENSON, MD

MOTION: Sidney Johnson moved, seconded by Ronald Grossman, for approval of the three month stay. Motion carried unanimously.

REQUEST FOR THREE MONTH STAY FOR SCOTT CONANT, MD

MOTION: Alfred Franger moved, seconded by Mary Cook, to remove the requirement for mentor and grant the stay. Motion carried unanimously.

REQUEST FOR THREE MONTH STAY FOR JEFFERY JUNIG, MD

MOTION: Daniel Miota moved, seconded by Virginia Heinemann for approval, of the three month stay. Motion carried unanimously.

REQUEST FOR THREE MONTH STAY FOR THOMAS STRICK, MD

MOTION: Daniel Miota moved, seconded by Bhupinder Saini, for approval of the three month stay. Motion carried unanimously.

REQUESTING REINSTATEMENT OF HIS LIMITED LICENSE—JOHN GREGORY HOFFMAN, MD

MOTION: Alfred Franger moved, seconded by Virginia Heinemann, in favor of holding a teleconference hearing on Wednesday June 23, 2004 at 8:00 a.m. to summarily suspend the license of John Gregory A. Hoffman, MD. Motion carried unanimously.

APPLICATION FOR A DRAFT ORDER—DR HANES

MOTION: Ronald Grossman moved seconded by Virginia Heinemann, to accept the order as drafted. Motion carried unanimously.

CASE CLOSINGS

MOTION: Sidney Johnson moved, seconded by Jon Grudeman, to close complaint 04 MED 037 for no violation. Motion carried unanimously.

MOTION: Ronald Grossman moved, seconded by Daniel Miota, to close complaint 03 MED 550 for P1. Motion carried unanimously.

MOTION: Daniel Miota moved, seconded by Ian Munro, to close complaint 03 MED 408 for insufficient evidence. Motion carried unanimously.

MOTION: Ian Munro moved, seconded by Mary Cook, to close complaint 04 MED 322 for no violation. Motion carried unanimously.

MOTION: Daniel Miota moved, seconded by Ian Munro, to close complaint 03 MED 480 for no violation. Motion carried unanimously.

MOTION: Daniel Miota moved, seconded by Ronald Grossman to close complaint 03 MED 322 for no violation against Dr. Troy and Dr. Gitter with Mary Cook abstaining. Motion carried.

MOTION: Ronald Grossman moved, seconded by Daniel Miota to close complaint 03 MED 019 for insufficient evidence.

RATIFYING LICENSES AND CERTIFICATES

MOTION: Sidney Johnson moved, seconded by Ronald Grossman to ratify the applicants as licensed to practice medicine and surgery in the State of Wisconsin. Motion carried unanimously.

RECONVENE IN OPEN SESSION

MOTION: Alfred Franger moved, seconded by Virginia Heinemann, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 1:00 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

MOTION: Sidney Johnson moved, seconded by Ronald Grossman, in favor of accepting all motions made during closed session. Motion carried unanimously.

ADJOURNMENT

MOTION: Ronald Grossman moved, seconded by Daniel Miota, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:05 p.m.